

**FILED**

MAR 13 2020

**Attachment 1 - Civil Complaint**

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY am  
DEPUTY CLERK

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

Marilyn Tittle, Ryan and Melissa Rogers, Marlene Kammerdiener

(Enter your full name)

Plaintiff(s)

CASE NUMBER:

**W20CA185**

(Supplied by Clerk's Office)

Gregory Holden

(Enter full name of each Defendant)

Defendant(s)

**COMPLAINT**

1. The Plaintiffs in this case are:

*Plaintiff #1:*

Name: Marilyn Tittle

Street Address: 10120 Bunting Drive

City and County: Waco, McLennan

State and Zip Code: Texas 76708

*Plaintiff #2:*

Name: Ryan and Melissa Rogers

Street Address: 10116 Bunting Drive

City and County: Waco, McLennan

State and Zip Code: Texas 76708

*Plaintiff #3:*

Name: Marlene Kammerdiener

Street Address: 10124 Bunting Drive

City and County: Waco, McLennan

State and Zip Code: Texas 76708

2. The Defendant in this case is:

Name: Gregory Holden

Street Address: 11104 Wortham Bend Rd.

City and County: Waco, McLennan

State and Zip Code: Texas 76708

3. Jurisdiction Plea – We are seeking injunctive relief in this civil matter property dispute in the Western District Court, Waco Division, McLennan County, Texas.

4. (Allegation 1) Defendant trespassed on our property, Block 5, 6 and 7, Lot 1 of the Falcon Pointe Community, city limits of Waco, Texas, County of McLennan on or about September 6, 2019 to erect a barb wire fence within 10" of the existing back yard wooden fences of said property, as well as adjoining Block 4, 8, 9 and 10, and placed "No Trespassing" signs facing residents. Fence prohibits property maintenance and restricts emergency and other exit from the back gates of property owners and represents danger to our children, grandchildren and pets. (Proof of property ownership and photos attached, Exhibits A and B).

5. (Allegation 2) On or about September 6, 2019, Defendant trespassed on residential property, erected a padlocked gate mounted on heavy electrical poles facing Wortham Bend Rd., and attached "No Trespassing" signs, prohibiting entrance and exit to property owners and easement owners (City of Waco and Oncor). This action, as well as Allegation 1 violate his 2005 non-exclusive easement agreement by restricting ingress/egress to others, and his agreement prohibits him from placing anything permanent. (Copy of Easement Agreement between Holden and StyleCraft Builders attached, Exhibit D; Photos of gate attached, Exhibit B). Holden claims StyleCraft gave him the materials to erect the gate, and that StyleCraft President, Randy French, told him to mark the property line he desired and gave him the now fenced property on his word and a handshake in 2005. (Claim witnessed by HOA President, Paul Day, who also obtained an email from Randy French's office at StyleCraft denying that claim, attached, Exhibit C).

6. (Allegation 3) From June 13, 2019 to present, Defendant has trespassed onto said property and harassed the Plaintiffs by making all maintenance workers, haulers, and visitors remove themselves and their service vehicles from the property behind the fences, claiming it is his property – property on which Plaintiffs hold legal deeds and surveys and pay property tax. He yells across the property if a gate is opened – threatened to put us in jail by morning if we touched the fence; threatens to shoot dogs if they escape (fence cannot be fixed because of the barb wire fence he put up); confronts the HOA President when he looked for survey pins and tells him he needs to make me understand this is not my property; argues with the Code Maintenance employee who tells him he is trespassing, stating he does not care what a piece of paper says; claims "eminent domain" – we assume he means adverse possession; beats on our front doors and claims this is his property; sends nasty texts. (List and proof of detailed harassment incidents attached, Exhibits E, F, and G).

The injunctive relief we are seeking is as follows:

- Removal of barb wire fence and "No Trespassing" signs from Falcon Pointe Bunting Drive residents' property, preferably at his expense
- Removal of padlocked gate, poles, and "No Trespassing" signs blocking ingress/egress from Wortham Bend to property owners and easement owners, preferably at his expense
- Restraining order prohibiting trespassing and harassment or interference with property owners, maintenance workers and visitors
- Reimbursement of legal costs

  
Marilyn Tittle

  
Melissa Rogers

  
Ryan Rogers

  
Marlene Kammerdiener

## **EXHIBITS**

- A. Surveys and Deeds, Individual and MCAD**
- B. Photos of Fence, Gate, and No Trespassing Signs**
- C. Email from StyleCraft (confirming land was not awarded to Greg Holden as claimed)**
- D. Easement Agreement Between StyleCraft and Greg Holden**
- E. Police Report (notes from WPD); Property Altercation  
Kammerdiener/Gregory Holden**
- F. Neighborhood Account of Holden's Harassment Per Property  
Dispute**
- G. Text Messages from Greg Holden's Wife to Marlene  
Kammerdiener**